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LAW AND PARLIAMENTARY AFFAIRS SECRETARIAT

NOTIFICATION

No. LAW 97 LGN 75 Bangalore dated 16th December 1975

Ordered that the Karnataka Land Reforms (Second Amendment) Ordinance, 1975 promulgated by the Governor of Karnataka in the Twenty-sixth Year of the Republic of India, be published as Karnataka Ordinance No. 24 of 1975 in the *Karnataka Gazette* for general information

KARNATAKA ORDINANCE No. 24 OF 1975.

THE KARNATAKA LAND REFORMS (SECOND AMENDMENT) ORDINANCE, 1975.

(Promulgated by the Governor of Karnataka in the Twenty-sixth Year of the Republic of India and first published in the Karnataka Gazette Extraordinary on the Sixteenth day of December 1975.

An Ordinance further to amend the Karnataka Land Reforms Act, 1961.

Whereas neither House of the State Legislature is in session and the Governor of Karnataka is satisfied that circumstances exist which render it necessary for him to take immediate action further to amend the Karnataka Land Reforms Act, 1961 (Karnataka Act 10 of 1962) for the purpose hereinafter appearing;

And whereas the instructions of the President have been obtained in pursuance of the proviso to clause (1) of Article 213 of the Constitution of India;

NOW THEREFORE in exercise of the powers conferred by clause (1) of Artical 213 of the Constitution of India, the Governor of Karnataka is pleased to promulgate the following Ordinance, namely:—

1 **Short title and commencement.**—(1) This Ordinance may be called the Karnataka Land Reforms (Second Amendment) Ordinance 1975.

(2) It shall come into force at once.

2. **Insertion of new section 48C.**—After section 48B of the Karnataka Land Reforms Act 1961 (Karnataka Act 10 of 1962) hereinafter referred to as the principal Act), the following section shall be inserted, namely:—

"**48C. Interim Orders.**—(1) The Tribunal may, when it considers it just and proper and subject to such terms and conditions as it may impose, issue interlocutory orders in the nature of temporary injunction or appointment of Receiver concerning the land in respect of which an application is made under section 48A.

(2) The Tribunal may at any time revoke or modify the order issued by it under sub-section (1)

(3) Subject to the provisions of sub-section (2), the order of the Tribunal shall be final. "

3 **Amendment of section 112.**—In clause (B) of section 112 of the principal Act, after sub-clause (b), the following sub-clauses shall be inserted, namely : -

"(bb) to decide whether the land in respect of which an application under section 48A is made, is agricultural land or not;

(bb) to issue interim orders under section 48C".

4. **Substitution of new section for section 133.**—For section 133 of the principal Act, the following section shall be substituted, namely:—

"133. **Suits involving issues required to be decided under this Act.**—(1) If any suit instituted in any Civil Court involves any issues or questions which are required to be settled, decided or dealt with by the Tribunal or any suit is instituted in any such court for possession of or injunction in respect of any land on the allegation that the defendant has trespassed or is trying to trespass on such land and the defendant denies such allegation and claims that—

(i) such land is an agricultural land;

(ii) he is in possession of such land on the strength of a tenancy existing from prior to 1st March 1974,

then the Civil Court shall stay the suit and refer such issues, questions or claims, as the case may be, to the Tribunal for decision.

(2) On receipt of such reference the Tribunal shall deal with and decide such issues, questions or claims in accordance with the provisions of this Act and shall communicate its decision to the Civil Court which has made the reference.

(3) Where in any suit instituted or proceedings commenced in any court, the defendant makes a claim as is referred to in sub-section (1), any order made by such court granting temporary injunction or appointing a receiver shall stand dissolved or vacated, as the case may be, in respect of such land."

MOHANLAL SUKHADIA,
Governor of Karnataka.

By Order and in the name of the Governor of Karnataka,

M. L. RAMASWAMI,
Draftsman and Ex.officio
Joint Secretary to Government,
Department of Law and Parliamentary Affairs.

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